IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE

AILEEN CONDE AGUIAR

Debtor(s)

CASE NUMBER: 15-09237-BKT
CHAPTER 13

TRUSTEES POSITION
Dkts. 59 and 60

TO THE HONORABLE COURT:

COMES NOW, Alejandro Oliveras Rivera, Standing Chapter 13 Trustee, through and by the undersigned staff attorney and very respectfully, **ALLEGES, STATES and PRAYS:**

1. On March 20, 2017 this Honorable Court entered an Order dismissing the instant case. Thereafter, on March 21, 2017, debtor moved for reconsideration of said order. (dkt 59). Debtor also filed a reply to the Trustee’s unfavorable report on post confirmation modified plan, which, was denied by this Honorable Court (dkt 60).

2. Trustee submits that he has no opposition to debtors request for reconsideration. Notwithstanding, Trustee also submits that there are matters that need to be clarified by the debtor per her reply to Trustee’s report. First, debtor presents a liquidation value of $36,256.34 on her reply at docket 60. It is our position that debtor needs to re-evaluate said numeric figure since, per debtors calculation, she is

disclosing the real property to be worth $81,500.00 when in reality, per schedule "A", the value is $90,000.00. So far no amended schedule "A" has been filed. Secondly, debtor presents as part of liquidation expenses, a "Capital Gain Tax expense" in the amount of $8,150.00, it is our position that debtor has not demonstrated with legal basis as to why she would be entitled to such expense. Moreover, debtor is asked to provide documentation on how this figure was calculated.

WHEREFORE, for the reasons stated above, it is respectfully requested from this Court to be informed of what is stated herein; enter an Order for debtor to clarify the value of the real property and the capital gain calculation as discusses at paragraph 2 above and enter any other Order it may deem necessary.

NOTICE

Within **fourteen (14) days** after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the clerk's office of the United States Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the court, the interest of justice requires otherwise.

CERTIFICATE OF SERVICE: I hereby certify that on this same date I electronically filed the above document with the Clerk of the Court using the CM/ECF System which sent a notification of such filing to all those who in this case have registered for receipt of notice by electronic mail. I further certify that I have served to the U.S.

Trustee, **ustpregion21.hr.ecf@usdoj.gov** and by depositing true and exact copies thereof in the United States Mail, postage prepaid, to the non CM/ECF participants: debtor(s) the mailing address of record.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 10th day of April, 2017.

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